

ENROLLED ORIGINAL

A RESOLUTION

16-339

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the appointment of Mr. David Lorren Retland to the District of Columbia Commemorative Works Committee.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "District of Columbia Commemorative Works Committee David Lorren Retland Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. David Lorren Retland
26 Randle Circle, S.E.
Washington, D.C. 20019
(Ward 7)

as a citizen member of the District of Columbia Commemorative Works Committee, established by section 412 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective April 4, 2001 (D.C. Law 13-275; D.C. Official Code § 9-204.12), for a term to end July 22, 2007.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

NOV 11 2005

ENROLLED ORIGINAL

A RESOLUTION

16-340

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the appointment of Ms. Beverly Joyce Gordon to the Board of Physical Therapy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the " Board of Physical Therapy Beverly Joyce Gordon Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the appointment of:

Ms. Beverly Joyce Gordon
5007 13th Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a physical therapist member of the Board of Physical Therapy, established section 209 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 1202.09), replacing Stephanie Issacs, whose term ended April 16, 2002, for a term to end April 16, 2005.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

10037

NOV 11 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-341

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Ms. Beverly C. Mims to the Board of Pharmacy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Pharmacy Beverly C. Mims Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Ms. Beverly C. Mims
8239 West Beach Terrace, N.W.
Washington, D.C. 20012-2242
(Ward 4)

as a pharmacist member of the Board of Pharmacy, established by section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), for a term to end March 12, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

10038

A RESOLUTION

16-342

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Mr. James C. Appleby to the Board of Pharmacy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Pharmacy James C. Appleby Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. James C. Appleby
218 Kentucky Avenue, S.E.
Washington, D.C. 20003-2314
(Ward 6)

as a pharmacist member of the Board of Pharmacy, established by section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), for a term to end March 12, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-343

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Mr. Clarence "Buddy" Moore to the Board of Pharmacy.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Pharmacy Clarence "Buddy" Moore Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. Clarence "Buddy" Moore
506 Park Road, N.W.
Washington, D.C. 20010-2506
(Ward 1)

as a consumer member of the Board of Pharmacy, established by section 208 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.08), for a term to end March 12, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

NOV 11 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-344

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Dr. Lawrence Alan Manning to the Board of Medicine.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Medicine Lawrence Alan Manning Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Dr. Lawrence Alan Manning
6830 Oregon Avenue, N.W.
Washington, D.C. 20015
(Ward 4)

as a physician member of the Board of Medicine, established by section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), for a term to end August 3, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

10041

A RESOLUTION

16-345

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Mr. James Anthony Towns to the Board of Medicine.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Medicine James Anthony Towns Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Mr. James Anthony Towns
520 Crittenden Street, N.W.
Washington, D.C. 20011
(Ward 4)

as a consumer member of the Board of Medicine, established by section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), for a term to end August 3, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

NOV 11 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-346

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To confirm the reappointment of Dr. Frederick C. Finelli to the Board of Medicine.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Board of Medicine Frederick C. Finelli Confirmation Resolution of 2005".

Sec. 2. The Council of the District of Columbia confirms the reappointment of:

Dr. Frederick C. Finelli
4331 Garfield Street, N.W.
Washington, D.C. 20007
(Ward 3)

as a physician member of the Board of Medicine, established by section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), for a term to end August 3, 2008.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, each to the nominee and to the Office of the Mayor.

Sec. 4. This resolution shall take effect immediately.

10043

A RESOLUTION

16-347

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve the negotiated compensation collective bargaining agreement submitted by the Mayor for certain employees in Compensation Units 33.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Compensation Agreement between the District of Columbia and Compensation Unit 33 Agency Counsel Approval Resolution of 2005".

Sec. 2. (a) Pursuant to section 1717(j) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code 1-617.17(j)), the Council approves the compensation settlement agreement of the contract provisions negotiated through collective bargaining between the Government of the District of Columbia and the collective bargaining representatives of Compensation Unit 33, including the wage provisions.

(b) This resolution applies to Compensation Unit 33 Legal Service attorneys who come within the personnel authority of the Mayor, but does not apply to attorneys employed exclusively by the Office of the Attorney General for the District of Columbia prior to October 1, 2005.

(c) Pursuant to the terms of the Memorandum of Agreement, dated September 12, 2005, between the Office of the Attorney General for the District of Columbia and the American Federation of Government Employees, Local 1403, the terms of the Compensation Unit 33 Collective Bargaining Agreement, dated June 30, 2005, including all negotiated compensation and non-compensation provisions, are made applicable to employees in the bargaining unit (commonly referred to as agency counsel) effective October 1, 2005.

Sec. 3. The salary schedules are approved as follows:



District of Columbia Salary Schedule: Office of the Attorney General - Attorneys (Union)

Fiscal Year: 2006 **Service Code Definition:** Attorneys
Effective Date: 10/1/2005 **Series:** 905
Union/Non-union: Union and Non-union **Affected CBU/Service Code(s):** BQA A35
Pay Plan Schedule: LS (Legal Service)
% Increase: 4.5%
Resolution Number: R15-794
Date of Resolution: 12/21/2004

| Grade | Step | | | | | | | | | | Between | |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Steps | |
| 09 | \$41,849 | \$43,243 | \$44,637 | \$46,031 | \$47,425 | \$48,819 | \$50,213 | \$51,607 | \$53,001 | \$54,395 | \$1,394 | 10045 |
| 10 | \$46,084 | \$47,620 | \$49,156 | \$50,692 | \$52,228 | \$53,764 | \$55,300 | \$56,836 | \$58,372 | \$59,908 | \$1,536 | |
| 11 | \$50,632 | \$52,320 | \$54,008 | \$55,696 | \$57,384 | \$59,072 | \$60,760 | \$62,448 | \$64,136 | \$65,824 | \$1,688 | |
| 12 | \$60,679 | \$62,703 | \$64,727 | \$66,751 | \$68,775 | \$70,799 | \$72,823 | \$74,847 | \$76,871 | \$78,895 | \$2,024 | |
| 13 | \$72,161 | \$74,567 | \$76,973 | \$79,379 | \$81,785 | \$84,191 | \$86,597 | \$89,003 | \$91,409 | \$93,815 | \$2,406 | |
| 14 | \$85,274 | \$88,117 | \$90,960 | \$93,803 | \$96,646 | \$99,489 | \$102,332 | \$105,175 | \$108,018 | \$110,861 | \$2,843 | |
| 15 | \$100,308 | \$103,651 | \$106,994 | \$110,337 | \$113,680 | \$117,023 | \$120,366 | \$123,709 | \$127,052 | \$130,395 | \$3,343 | |



District of Columbia Salary Schedule: Office of the Attorney General - Attorneys (Union)

Fiscal Year: 2007 **Service Code Definition:** Attorneys
Effective Date: 10/1/2006 **Series:** 905
Union/Non-union: Union and Non-union **Affected CBU/Service Code(s):** BQA A35
Pay Plan Schedule: LS (Legal Service)
% Increase: 4.5%
Resolution Number: R15-794
Date of Resolution: 12/21/2004

| Grade | Step | | | | | | | | | | Between | | |
|-------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|---------|--|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | Steps | | |
| 09 | \$43,731 | \$45,188 | \$46,645 | \$48,102 | \$49,559 | \$51,016 | \$52,473 | \$53,930 | \$55,387 | \$56,844 | \$1,457 | | 10046 |
| 10 | \$48,158 | \$49,763 | \$51,368 | \$52,973 | \$54,578 | \$56,183 | \$57,788 | \$59,393 | \$60,998 | \$62,603 | \$1,605 | | |
| 11 | \$52,910 | \$54,674 | \$56,438 | \$58,202 | \$59,966 | \$61,730 | \$63,494 | \$65,258 | \$67,022 | \$68,786 | \$1,764 | | |
| 12 | \$63,410 | \$65,525 | \$67,640 | \$69,755 | \$71,870 | \$73,985 | \$76,100 | \$78,215 | \$80,330 | \$82,445 | \$2,115 | | |
| 13 | \$75,409 | \$77,923 | \$80,437 | \$82,951 | \$85,465 | \$87,979 | \$90,493 | \$93,007 | \$95,521 | \$98,035 | \$2,514 | | |
| 14 | \$89,111 | \$92,082 | \$95,053 | \$98,024 | \$100,995 | \$103,966 | \$106,937 | \$109,908 | \$112,879 | \$115,850 | \$2,971 | | |
| 15 | \$104,820 | \$108,314 | \$111,808 | \$115,302 | \$118,796 | \$122,290 | \$125,784 | \$129,278 | \$132,772 | \$136,266 | \$3,494 | | |

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602 (c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-206.02(c)(3)).

Sec. 5. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to Compensation Unit 33 and the Mayor.

Sec. 6. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-348

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency, due to Congressional review, with respect to the need to amend the Child Support Enforcement Amendment Act of 1985 to transfer the income withholding function for child support matters from the Superior Court of the District of Columbia to the District's child support agency and to make conforming and clarifying amendments to the provisions governing income withholding procedures and requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Income Withholding Transfer and Revision Congressional Review Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to enact legislation transferring the responsibility for conducting income withholding in child support matters from the Superior Court of the District of Columbia ("Superior Court") to the Office of the Attorney General, Child Support Services Division ("CSSD"), the entity charged with operating the District's federally mandated child support program pursuant to title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*). In December 2004, CSSD successfully completed the transfer of the District's State Disbursement Unit from the Superior Court to CSSD pursuant to the Child Support Transfer of Functions Amendment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; 51 DCR 8441). Transfer of the Superior Court's income withholding functions to CSSD is the second step in the District's plan to consolidate the child support program's core functions into CSSD, and thereby provide more efficient services to District children and families.

(b) In addition to the transfer of income withholding functions, revisions to the Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), are needed to support the transfer and improve the law. These amendments would clarify the procedures and requirements applicable to income withholding, conform the withholding process to the child support program's consolidated structure, fill gaps and resolve inconsistencies, and ensure the District's continuing compliance

ENROLLED ORIGINAL

with federal requirements.

(c) Emergency legislation accomplishing these objectives is needed to assist CSSD in expediting critical improvements to the District's child support program. During Fiscal Years 2004 and 2005, more than \$2.3 million in federal penalties have been assessed against the District's Temporary Assistance for Needy Families ("TANF") block grant as a result of the child support program's failure to meet federal performance standards in the areas of data reliability and support order establishment. Additional penalties are expected in Fiscal Year 2006, and the program's performance must promptly and significantly improve in key areas if the District is to avoid penalties in future years and become eligible for increased federal child support incentive payments. Transfer of the withholding function will allow CSSD to streamline its operations, improve its performance, and bring more money, more quickly, to needy families. Moreover, the Superior Court has requested that the transfer of the withholding function occur as soon as possible to enable it to concentrate its attention and resources on the further implementation of its Family Court.

(d) The Income Withholding Transfer and Revision Emergency Amendment Act of 2005, effective July 26, 2005 (D.C. Act 16-167), expires on October 24, 2005.

(e) The Income Withholding Transfer and Revision Temporary Amendment Act of 2005, signed by the Mayor on October 4, 2005 (D.C. Act 16-184), is pending Congressional review.

(f) This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-349

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve the National Capital Revitalization Corporation's proposal for issuance of revenue bonds to finance a parking facility to support the DC USA retail development.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "National Capital Revitalization Corporation DC USA Project Revenue Bonds Approval Resolution of 2005".

Sec. 2. Pursuant to section 19(b)(1) of the National Capital Revitalization Corporation Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code §2-1219.18(b)(1)) ("Act"), the Council approves the proposal of the National Capital Revitalization Corporation ("Corporation") to issue revenue bonds in an amount not to exceed \$46,900,000 to finance, in accordance with the provisions of the Act, the costs of a new parking facility to be located within the DC USA retail development and fund the Columbia Heights Small Business Assistance Program.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor and to the Chief Executive Officer of the Corporation.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. This resolution shall take effect immediately

A RESOLUTION

16-350

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve proposed rules to impose a 5 year limit on the number of retailer's licenses Class A, B, CR, CT, CN, CX, DR, DT, DN, and DX issued in a portion of East Dupont Circle.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "West Dupont Circle Liquor License Moratorium Rulemaking Approval Resolution of 2005".

Sec. 2. Pursuant to D.C. Official Code § 25-211(b)(2), the Mayor transmitted to the Council on September 16, 2005 proposed rules (published at 52 DCMR 8645) to imposed a 5 year limit on the number of retailer's licenses Class A, B, CR, CN, CT, CX, DR, DT, DN, and DX issued in a portion of West Dupont Circle. The Council approves the proposed rules.

Sec. 3. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, both the Mayor and the Chairperson of the Alcoholic Beverage Control Board.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-351

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To disapprove proposed rules that would amend Title 18 of the District of Columbia Municipal Regulations to make changes to the District's driver's license application and renewal process, the reciprocity permit rules, and the District's commercial driver's license requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Driver License and Reciprocity Application Rulemaking Disapproval Resolution of 2005".

Sec. 2. Pursuant to section 10 of the Uniform Classification and Commercial Driver's License Act of 1990, effective September 20, 1990 (D.C. Law 8-161; D.C. Official Code § 50-409), and section 801 of the Motor Vehicle and Safe Driving Amendment Act of 2000, effective April 27, 2001 (D.C. Law 13-289; D.C. Official Code § 50-921), the Mayor submitted, on September 16, 2005, proposed rules to amend regulations pertaining to driver licensing and reciprocity permits and commercial driver's licenses. The Council disapproves the proposed rules published at 52 DCR 5084 to amend Chapters 1, 4, and 13 of Title 18 of the District of Columbia Municipal Regulations.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the Department of Motor Vehicles.

Sec. 5. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-352

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To disapprove proposed rules to establish civil fines, to be adjudicated under the District of Columbia Traffic Adjudication Act, for failure to comply with the International Registration Plan requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "International Registration Plan Enforcement Rulemaking Disapproval Resolution of 2005".

Sec. 2. (a) Pursuant to section 105 of the District of Columbia Traffic Adjudication Act of 1978 (D.C. Law. 2-104; D.C. Official Code § 50-2301.05), the Mayor submitted, on September 16, 2005, proposed rules to establish civil fines for violating provisions of the International Registration Plan Agreement Act of 1997, effective September 5, 1997 (D.C. Law 12-14; D.C. Official Code § 50-1507.01 *et seq.*). The Council disapproves the proposed rules published at 52 DCR 7831 to amend Chapter 26 of Title 18 of the District of Columbia Municipal Regulations.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Council shall transmit a copy of this resolution, upon its adoption, to the Department of Motor Vehicles.

Sec. 5. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to approve a Medicaid and State Children's Health Insurance Program section 1115 demonstration waiver to authorize Medicaid coverage for evacuees of Hurricane Katrina residing in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Demonstration Waiver for Medicaid and State Children's Health Insurance Program Coverage for Evacuees of Hurricane Katrina residing in the District of Columbia Emergency Declaration Resolution of 2005".

Sec. 2. (a) The Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) has adopted a series of emergency policy changes to accommodate the needs of thousands of displaced Medicaid and State Children's Health Insurance Program (SCHIP) beneficiaries who have fled Hurricane Katrina and need urgent medical attention in their new host states. President Bush has announced that special evacuee status has been granted to all those who fled states because of Hurricane Katrina. This designation allows those persons to apply for the full range of federal benefits administered by the states without having to produce the normal forms of documentation to verify eligibility.

(b) On September 16, 2005, CMS issued a letter to all Medicaid and SCHIP Directors announcing the development of a new section 1115 demonstration initiative that allows coverage of evacuees from the affected geographic areas of Louisiana, Mississippi, Alabama, and Florida, in which a national disaster had been declared. Evacuees who have been displaced from their homes as a result of Hurricane Katrina will be provided the opportunity to enroll to receive services under the Medicaid or SCHIP programs in whatever state they now reside. States may provide a period of temporary eligibility for up to 5 months. Eligibility and payments under this demonstration waiver may be retroactive to August 24, 2005. The demonstration waiver authorizes the host state to offer Medicaid and SCHIP benefits to parents, pregnant women, children under age 19 years of age, individuals with disabilities, low income Medicare recipients, and low income individuals in need of long term care within certain income parameters. States will not be required to meet budget neutrality tests under these unique demonstration programs.

(c) The Department of Health, Medical Assistance Administration has completed the waiver application and informally shared with CMS its draft waiver submission. CMS has indicated tentative approval of the application, pending final approval by the Council of the District of Columbia. As of October 7, 2005, approximately 360 Katrina evacuees have been enrolled in the District's Medicaid program.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

(d) Emergency action is required to ensure the timely approval of the demonstration waiver and authorize eligibility and receipt of federal assistance retroactive to August 25, 2005. The waiver will permit the District's Medicaid program to recoup the unanticipated costs of the services provided to the evacuees.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Demonstration Waiver for Medicaid and State Children's Health Insurance Program Coverage for Evacuees of Hurricane Katrina residing in the District of Columbia Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-354

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve, on an emergency basis, a Medicaid and State Children's Health Insurance Program section 1115 demonstration waiver to authorize Medicaid coverage for evacuees of Hurricane Katrina residing in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Demonstration Waiver for Medicaid and State Children's Health Insurance Program Coverage for Evacuees of Hurricane Katrina residing in the District of Columbia Emergency Approval Resolution of 2005".

Sec. 2. (a) Pursuant to section 1(a) of An Act To enable the District of Columbia to receive Federal financial assistance under title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02(a)), the Council of the District of Columbia approves the Medicaid and State Children's Health Insurance Program section 1115 demonstration waiver as transmitted by the Mayor to the Council on October 31, 2005, which enables the District to receive federal assistance for services provided to evacuees of Hurricane Katrina enrolled in the District's Medicaid and State Children's Health Insurance programs.

Sec. 3. The Secretary to the Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the District of Columbia Department of Health and to the Mayor.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement submitted from the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 5. This resolution shall take effect immediately.

10056

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-355

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to issue general obligation bonds to reimburse the general fund for funds advanced for capital expenditures.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Fiscal Year 2006 General Obligation Bond Issuance Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There is a need to issue general obligation bonds in the first quarter of fiscal year 2006 to reimburse the General Fund for funds that it has advanced for capital expenditures. Because of the rising interest rate environment and economies of scale associated with the concurrent issuance of these bonds with the upcoming issuance of short-term notes, it is desirable for this bond sale to occur in November.

(b) Funding for the debt service expense associated with the issuance of these bonds is included in the District's Fiscal Year 2006 Budget and Financial Plan.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Fiscal Year 2006 General Obligation Bond Issuance Approval Emergency Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-356

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve, on an emergency basis, the borrowing of funds by the Mayor through the issuance and sale of general obligation bonds, not to exceed an aggregate principal amount of \$344,608,053, for the payment of costs of acquiring or undertaking capital projects for general governmental and enterprise purposes and the costs and expenses connected with the issuance, sale, and delivery of the bonds.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Fiscal Year 2006 General Obligation Bond Issuance Approval Emergency Resolution of 2005".

Sec. 2. (a) Pursuant to section 3302 of the Fiscal Year 2001 Budget Support Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code § 47-335.01), the Council approves the request of the Mayor for the authority to borrow funds for the capital projects listed in section 3 through the issuance and sale of general obligation bonds not to exceed an aggregate principal amount of \$344,608,053 for the payment, on an agency basis, for the costs of acquiring or undertaking capital projects for general governmental and enterprise purposes, plus an amount equal to the costs and expenses of issuing and delivering the bonds, including any capitalized interest, underwriting, rating fees, legal fees, accounting fees, financial advisory fees, bond insurance and other credit enhancements, and printing costs and expenses.

(b) If the funds allocated to any agency pursuant to the authorization granted by this resolution exceed the amount required by that agency to complete an authorized capital project listed in section 3 for that agency, the excess funds shall be available to finance additional capital projects, that have been, or will be, approved by a prior or subsequent general obligation bond issuance approval resolution.

(c) The capital projects listed in section 3 have been authorized pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46), and the District of Columbia Appropriations Act, 2000, approved November 29, 1999 (Pub. L. No. 106-113; 113 Stat. 1501), District of Columbia Appropriations Act, 2001, approved November 22, 2000 (Pub. L. No. 106-522; 114 Stat. 2457), District of Columbia Appropriations Act, 2002, approved December 21, 2001 (Pub. L. No. 107-96; 115 Stat. 923), District of Columbia Appropriations Act, 2003, approved February 20, 2003 (Pub. L. No. 108-7; 117 Stat. 11), District of Columbia Appropriations Act 2004, approved January 23, 2004 (Pub. L. No. 108-199; 118 Stat. 3), and District of Columbia Appropriations Act 2005, approved October 18, 2004 (Pub. L. No. 108-335; 118 Stat. 1322), and are included within the schedule of capital projects for which the District of Columbia is authorized to incur indebtedness, under the General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999 - 2004 Authorization Act of 1999, effective July 29, 1999 (D.C. Law 13-22; D.C. Official

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Code § 1-204.61, note) (the "1999 – 2004 Bond Act") and General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 2002 - 2007 Authorization Act of 2002, effective March 25, 2003 (D.C. Law 14-214; D.C. Official Code § 1-204.61, note) (the "2002 – 2007 Bond Act" and together with the 1999 – 2004 Bond Act, the "Bond Acts").

Sec. 3. The amounts to be financed from the borrowing are as follows:

| <u>Fund</u> | <u>AG</u> | <u>Project Code</u> | <u>Project Name</u> | <u>IAG</u> | <u>FY 2006 Bond Resolution Amount</u> |
|--|-----------|---------------------|---|------------|---------------------------------------|
| Office of Property Management | | | | | |
| 300 | AM0 | AA2 | DC Armory | AM0 | \$939,475 |
| 300 | AM0 | AA4 | Medical Examiners Office | AM0 | \$393,069 |
| 300 | AM0 | BC1 | Fac. Condition Assessment | AM0 | \$165,448 |
| 300 | AM0 | EA7 | Neighborhood Revitalization | AM0 | \$728,249 |
| 300 | AM0 | FM5 | Facility Construction | CC0 | \$74,824 |
| 300 | AM0 | GH1 | Handicap Barrier Removal | CC0 | \$356,641 |
| 300 | AM0 | GJ1 | Asbestos Abatement | CC0 | \$470,278 |
| 300 | AM0 | GT1 | OMP Capital General Improvement Project | CC0 | \$3,813,821 |
| 300 | AM0 | WIL | Wilson Building | AM0 | \$2,931,213 |
| AM0 Total | | | | | \$9,873,018 |
| Office of the Chief Financial Officer | | | | | |
| 300 | AT0 | BF2 | Fin. Con. Systems Improvements | AT0 | \$7,488,387 |
| 300 | AT0 | CSP | Comp. Sys. Project | AT0 | \$432,824 |
| AT0 Total | | | | | \$7,921,211 |
| Office of Planning | | | | | |
| 300 | BD0 | PLN | Public Planning Funds | BD0 | \$1,127,377 |
| BD0 Total | | | | | \$1,127,377 |
| Office of Personnel | | | | | |
| 300 | BE0 | BE5 | HR Modernization | BE0 | \$1,170,367 |
| BE0 Total | | | | | \$1,170,367 |
| Commission on Arts and Humanities | | | | | |
| 300 | BX0 | AH7 | Public Arts Fund | BX0 | \$1,424,597 |
| BX0 Total | | | | | \$1,424,597 |
| District of Columbia Office on Aging | | | | | |

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Department of Corrections

| | | | | | |
|------------------|-----|-----|---------------------|-----|--------------------|
| 300 | FL0 | CR0 | General Renovations | AM0 | \$1,053,984 |
| 300 | FL0 | CR1 | General Renovations | AM0 | \$2,830,917 |
| FL0 Total | | | | | \$3,884,901 |

D.C. Public Schools

| | | | | | |
|------------------|-----|-----|----------------------------|-----|---------------------|
| 300 | GA0 | NA4 | Anacostia High | GA0 | \$1,412,347 |
| 300 | GA0 | NA6 | Ballou High School | GA0 | \$2,679,258 |
| 300 | GA0 | NA9 | Barnard Elementary | GA0 | \$2,407,698 |
| 300 | GA0 | NB2 | Bell Lincoln High | GA0 | \$26,411,498 |
| 300 | GA0 | NB7 | Brightwood Elementary | GA0 | \$608,548 |
| 300 | GA0 | NC8 | Cleveland Elementary | GA0 | \$6,935,842 |
| 300 | GA0 | NF3 | Garnett Patterson | GA0 | \$4,053,544 |
| 300 | GA0 | NJ8 | McKinley Technical High | GA0 | \$15,769,389 |
| 300 | GA0 | NL4 | Patterson Elementary | GA0 | \$10,955,515 |
| 300 | GA0 | NM3 | Randle Highland Elementary | GA0 | \$5,029,012 |
| 300 | GA0 | NP6 | Thomson Elementary | GA0 | \$13,196,255 |
| 300 | GA0 | NR6 | Woodson High | GA0 | \$1,297,637 |
| 300 | GA0 | NR8 | Kelly Miller Middle | GA0 | \$7,228,555 |
| GA0 Total | | | | | \$97,985,098 |

University of the District of Columbia

| | | | | | |
|------------------|-----|-----|--|-----|--------------------|
| 300 | GF0 | PA4 | Building 41 Renovation and Modernization | AM0 | \$139,110 |
| 300 | GF0 | U08 | Permanent Improvements | CC0 | \$2,723,426 |
| 300 | GF0 | U25 | Architectural Barrier Removal | CC0 | \$1,653,834 |
| 300 | GF0 | UB0 | Building And Site Reno | AM0 | \$4,917,302 |
| 300 | GF0 | UM0 | Electrical And Mechani | AM0 | \$429,718 |
| GF0 Total | | | | | \$9,863,390 |

Department of Parks and Recreation

| | | | | | |
|------------------|-----|-----|--|-----|---------------------|
| 300 | HA0 | QA1 | Ward 3 Playing Fields and Aquatic Center | HA0 | \$1,244,877 |
| 300 | HA0 | QB2 | Georgetown Pool & Recreation Center | HA0 | \$1,990,476 |
| 300 | HA0 | QB3 | Roper / Deanwood Recreation Center | HA0 | \$125,314 |
| 300 | HA0 | R92 | North Michigan Rec Center | HA0 | \$4,415,340 |
| 300 | HA0 | R93 | Sherwood Rec Center | CC0 | \$1,582,441 |
| 300 | HA0 | RE0 | Facility Expansion | HA0 | \$1,800,133 |
| 300 | HA0 | RN0 | New Construction | HA0 | \$9,432,002 |
| 300 | HA0 | RR0 | Renovation & Repairs | HA0 | \$5,197,914 |
| HA0 Total | | | | | \$25,788,497 |

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Department of Health

| | | | | | |
|------------------|-----|-----|-----------------------------------|-----|--------------------|
| 300 | HC0 | HC1 | General Improvements | AM0 | \$810,828 |
| 300 | HC0 | HC5 | Medical Facilities | HC0 | \$675,823 |
| 300 | HC0 | R16 | General Improvements | AM0 | \$317,345 |
| 300 | HC0 | R17 | Plumbing | AM0 | \$170,000 |
| 300 | HC0 | R20 | Emergency Systems | AM0 | \$95,262 |
| 300 | HC0 | RA8 | Patient Records Systems | HC0 | \$541,323 |
| 300 | HC0 | ZA1 | Information Technology Initiative | HC0 | \$6,296,491 |
| HC0 Total | | | | | \$8,907,072 |

Department of Transportation

| | | | | | |
|------------------|-----|-----|-----------------------------------|-----|---------------------|
| 300 | KA0 | ADL | Transportation Electrical Imp. | KA0 | \$1,256,887 |
| 300 | KA0 | CA2 | Local Public Space Improvements | KA0 | \$3,273,335 |
| 300 | KA0 | CE2 | Street Maintenance & Improvements | KA0 | \$2,829,443 |
| 300 | KA0 | CEL | Street Paving | KA0 | \$2,258,776 |
| 300 | KA0 | CK2 | Local Roadway Rehabilitation | KA0 | \$109,362 |
| 300 | KA0 | CKL | Roadway Reconstruction | KA0 | \$3,383,939 |
| 300 | KA0 | RL1 | DPW Facility Relocation | KA0 | \$4,881,191 |
| KA0 Total | | | | | \$17,992,933 |

Washington Metropolitan Area Transit Authority

| | | | | | |
|------------------|-----|-----|--------------------------|-----|---------------------|
| 300 | KE0 | SA2 | Metrobus | KE0 | \$19,044,155 |
| 300 | KE0 | SA3 | Metrorail Rehabilitation | KE0 | \$4,724,603 |
| KE0 Total | | | | | \$23,768,758 |

Department of Public Works

| | | | | | |
|------------------|-----|-----|------------------------------|-----|--------------------|
| 300 | KT0 | SW1 | Solid Waste Transfer Station | KT0 | \$1,396,674 |
| 300 | KT0 | SW2 | Solid Waste Reduction Center | KT0 | \$4,467,738 |
| KT0 Total | | | | | \$5,864,412 |

Department of Motor Vehicles

| | | | | | |
|------------------|-----|-----|-------------------|-----|--------------------|
| 300 | KV0 | WA1 | IT Infrastructure | KV0 | \$389,878 |
| 300 | KV0 | WA5 | IT Infrastructure | KV0 | \$662,581 |
| KV0 Total | | | | | \$1,052,459 |

Department of Mental Health

| | | | | | |
|------------------|-----|-----|----------------------------|-----|--------------------|
| 300 | RM0 | HX3 | Construct/Renovate New | RM0 | \$1,518,133 |
| 300 | RM0 | HX4 | Construct/Renovate New | RM0 | \$1,453,650 |
| 300 | RM0 | XA3 | Supplemental Consolidation | RM0 | \$2,670,534 |
| RM0 Total | | | | | \$5,642,317 |

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

Office of the Chief Technology Officer

| | | | | | |
|------------------|-----|-----|---|-----|---------------------|
| 300 | TO0 | N17 | Tech City | TO0 | \$48,286,138 |
| 300 | TO0 | PSW | Public Workstations | TO0 | \$141,177 |
| 300 | TO0 | SG1 | Information Technology | TO0 | \$2,087,506 |
| 300 | TO0 | WDN | Wireless Data Network | TO0 | \$5,252,712 |
| 300 | TO0 | ZA1 | Information Tech Initiative | TO0 | \$8,579,268 |
| 300 | TO0 | ZB1 | Citywide Enterprise Resource Planning (ERP) | TO0 | \$25,321,463 |
| TO0 Total | | | | | \$89,668,264 |

Grand Total

\$344,608,053

Sec. 4. Pursuant to sections 7 and 8 of the Bond Acts and applicable law, the Council hereby approves the execution and delivery by the Mayor, on behalf of the District, of any agreement, document, contract, and instrument (including any amendment of or supplement to any such agreement, document, contract, or instrument) in connection with the issuance, sale, and delivery of District of Columbia general obligation bonds pursuant to the Bond Acts.

Sec. 5. The Mayor has notified the Council in the letter of transmittal accompanying this resolution that the general obligation bonds to be issued and sold pursuant to the authority granted to the Mayor by this resolution are intended to be issued on a tax-exempt basis.

Sec. 6. The Secretary to the Council shall submit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 7. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-357

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need for Major League Baseball to select an ownership group that would be subject to taxation in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Sense of the Council Ownership Taxation Requirement Emergency Declaration Resolution of 2005".

Sec. 2. The Council finds that:

- (1) The District government is prohibited from taxing income at its source.
- (2) This prohibition contributes to the District's documented structural imbalance, as reported by the United States Government Accountability Office.
- (3) The selected ownership group should be subject to taxation in the District of Columbia.
- (4) In 2005, the District government will probably lose out on approximately \$25 to \$30 million dollars in tax revenues from the 2005 Washington Nationals operations and the actual sale of the team.

Sec. 3. The Council of the District of Columbia finds that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Sense of the Council Ownership Taxation Requirement Emergency Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-358

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare, on an emergency basis, the sense of the Council that Major League Baseball select an ownership group that would be subject to taxation in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Sense of the Council Ownership Taxation Requirement Emergency Resolution of 2005".

Sec. 2. The Council finds that:

(1) The District of Columbia government is prohibited from taxing income at its source.

(2) This prohibition contributes to the District's documented structural imbalance, as reported by the United States Government Accountability Office.

(3) The selected ownership group should be subject to taxation in the District of Columbia.

(4) The selected ownership group of the Washington Nationals will be poised to make significant long-term profits, and, unless the selected ownership group agrees to structure its operations in a manner that would subject it to taxation in the District of Columbia, the District government will lose out on significant tax revenues.

(5) In 2005, the District of Columbia government will probably lose out on approximately \$25 to \$30 million dollars in tax revenues from the 2005 Washington Nationals operations and the actual sale of the team.

Sec. 3. It is the sense of the Council that Major League Baseball select an ownership group that would be subject to taxation in the District of Columbia or agree to be subject to taxation in the District of Columbia.

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor, the Chief Financial Officer, and the Sports and Entertainment Commission.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

16-359

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to authorize the expenditure of \$1.6 million from the cumulative cash reserve fund for the Way to Work program.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Way to Work 2006 Cumulative Cash Reserve Allocation Emergency Declaration Resolution of 2005".

Sec. 2. (a) Compliance with the Congressional requirements contained in D.C. Official Code § 47-392.02(j)(3)(B) regarding the use of the District's reserve funds requires the Council to authorize the expenditure from the District's cumulative cash reserve fund.

(b) An amount not to exceed \$1,6 million from the District's cumulative cash reserve fund must be made available immediately to begin implementation of the District's Way to Work program to provide a living wage and other upgrades to its employment and job training programs.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Way to Work 2006 Cumulative Cash Reserve Allocation Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-360

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to provide that revenues from fishing and hunting licensing schemes shall not be used for purposes other than the administration of the District's Fisheries and Wildlife Division in its role of protecting and managing aquatic life.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Water Pollution Control Second Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate threat to aquatic life in the waters of the District of Columbia.

(b) Two separate federal audits raised concerns about unsupported costs and determined that the District's assent legislation in the Water Pollution Control Act of 1984 did not conform to the federal language requirements and, therefore, was not strong enough to ensure that the funds would only be used for the protection of aquatic life by the Fisheries and Wildlife Division.

(c) The Department of the Interior, United States Fish and Wildlife Service advised the District that if the language was not changed to conform more closely to the federal legislation, the District risked losing its eligibility to participate in the Federal Aid in Sport Fish Restoration Act of 1950, as amended, which provides approximately \$900,000 in federal funding to the District each year.

(d) Emergency legislation is necessary to insure that the District remains eligible for the above-referenced funding.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Water Pollution Control Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-361

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to amend the District of Columbia Public Assistance Act of 1982 to provide for confidentiality of information for individuals applying for or receiving public benefits through the Department of Human Services, Income Maintenance Administration, and to authorize the Mayor to issue rules pertaining to the release and disclosure of such records.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Assistance Confidentiality of Information Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to ensure that all Medicaid records are subject to confidentiality protection requirements mandated by the federal Health Insurance Portability and Accountability Act of 1996.

(b) To address this need, the Council previously adopted emergency and temporary legislation; however, the Public Assistance Confidentiality of Information Temporary Amendment Act of 2004, effective March 16, 2005 (D.C. Law 15-229; 51 DCR 10565), expired on October 27, 2005.

(c) There is a need to approve emergency and temporary legislation, retroactive to October 27, 2005, to ensure that there is no gap in applicable District law before permanent legislation is adopted.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Assistance Confidentiality of Information Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-362

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to continue the temporary amendment of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to allow District of Columbia government employees who serve in the reserve units of the United States Armed Forces and who have been called or will be called to active duty as a result of Operation Enduring Freedom, or in preparation for or as a result of Operation Iraqi Freedom, to receive a pay differential.

(b) The Council approved temporary legislation (D.C. Law 15-323), which shall expire on November 19, 2005. This emergency legislation is necessary to prevent a gap in the legal authority.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-363

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need for the Council to amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to require the Mayor to include as part of a proposed resolution for the disposition of real property an analysis of economic factors and a description of how economic factors will be weighted and evaluated, and in the case of any property to be disposed of through a request for proposals or competitive sealed proposals, to require the Mayor to use economic factors as one of the criteria for evaluating the request for proposals or competitive sealed proposals.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Real Property Disposition Economic Analysis Emergency Declaration Resolution of 2005".

Sec. 2. (a) Throughout the next year, the District of Columbia ("District") government is likely to issue requests for proposals to dispose of major parcels of land that it owns. Although upcoming disposals of District-owned real property will have a major impact on the local economy and could serve as an important source of revenue for the District government, there is presently no requirement in permanent law that the District consider the economic value of the disposition, including the revenues, payments, and fees that would accrue to the District government or the impact on the local economy.

(b) The Council enacted emergency legislation (D.C. Act 15-627) and temporary legislation (D.C. Law 15-313) to require an economic analysis prior to the disposition of real property owned by the District, but the emergency has expired, the temporary will expire on November 19, 2005, and the Committee on Economic Development did not act on permanent legislation during Council Period 15. This emergency is necessary to prevent a gap in the legal authority.

(c) To ensure that the District government and its residents derive maximum economic benefit from the forthcoming disposition of major parcels of real property, while providing the Mayor with appropriate flexibility to consider other important factors such as housing and community development, legislation is urgently needed to require an economic analysis as part

of any real property disposition, and to ensure that economic factors are an explicit component of any real property disposition that will be effected through a request for proposals or competitive sealed proposals. Otherwise, the District may forego millions of dollars in potential benefits from such dispositions.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Real Property Disposition Economic Analysis Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-364

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to clarify the effective date of the estate tax filing threshold.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Estate and Inheritance Tax Clarification Emergency Declaration Resolution of 2005".

Sec. 2. (a) Title XIV of D.C. Law 14-307, the Fiscal Year 2003 Budget Support Amendment Act of 2002, decoupled the District's estate tax code from the federal code.

(b) Title XXI of D.C. Act 15-106, the Fiscal Year 2004 Budget Support Act of 2003, and prior emergency and temporary versions of this legislation, increased the District's filing threshold for estates to \$1,000,000, from the previous \$675,000.

(c) It was the intent of the Council in raising the estate tax filing threshold earlier this year that it would apply to decedents who die on or after January 1, 2003, and that the fiscal impact of this Title was predicated upon that reading of the Title.

(d) The proposed emergency legislation will make this intent clearer, and is warranted so the Office of Tax and Revenue may advise tax practitioners and residents properly as to the effect of Title XXI of D.C. Act 15-106.

(e) The prior temporary version, D.C. Law 15-119, will expire on November 10, 2005. This emergency is necessary to ensure there is no gap in legal authority.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary the Estate and Inheritance Tax Clarification Emergency Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-365

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to approve the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds in an aggregate principal amount not to exceed \$3.2 million in one or more series and to approve the allocation of \$3.2 million of Available Real Property Tax Revenues for the repayment of the revenue bonds pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Qualified Zone Academy Revenue Bonds Project Emergency Declaration Resolution of 2005".

Sec. 2. Emergency circumstances.

(a) Pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005, effective October 18, 2005 (D.C. Law 16-128; D.C. Official Code § 47-340.01, note) ("Act"), the District seeks to:

(1) Issue, sell, and deliver qualified zone academy revenue bonds, in one or more series, in an aggregate principal amount not to exceed \$3.2 million ("bonds") for the purpose of assisting in financing, refinancing, or reimbursing of certain costs of the following qualified schools with the meaning of the Act:

(A) Francis L. Cardozo Senior High School Project, 1300 Clifton Street, N.W., Washington, D.C., 20009;

(B) Hyde Leadership Public Charter School Project, 101 T Street, N.E., Washington, D.C., 20002;

(C) Latin American Montessori Bilingual Public Charter School Project, 1375 Missouri Avenue, N.W., Washington, D.C., 20011;

(D) Thurgood Marshall Academy Public Charter High School Project, 421 Alabama Avenue, S.E., Washington, D.C., 20032; and

(E) Tree of Life Community Public Charter School Project, 2315 18th Place, N.E., Washington, D.C., 20018; and

(2) Allocate \$3.2 million of the Available Real Property Tax Revenues for the repayment of the bonds which shall terminate the earlier of:

(A) The final maturity date of the bonds; or

(B) The date on which all of the bonds are paid or payment has been provided for and are no longer outstanding.

NOV 11 2005

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

(b) Federal authorization to issue a portion of the bonds will expire on December 31, 2005, and it is important that the Council expedite the process for the issuance of the bonds by the District. Council approval of the emergency approval resolution would permit bonds to be issued before the authorization expires.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Qualified Zone Academy Revenue Bonds Project Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

A RESOLUTION

16-366

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve, on an emergency basis, the issuance, sale, and delivery of District of Columbia qualified zone academy revenue bonds in one or more series of bonds in an aggregate principal amount not to exceed \$3.2 million for the purpose of assisting in the financing, refinancing, and reimbursing of the costs of certain District of Columbia public schools and public charter schools and to approve the allocation of \$3.2 million of Available Real Property Tax Revenues for the repayment of such revenue bonds pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Qualified Zone Academy Revenue Bonds Project Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to the Qualified Zone Academy Revenue Bond Project Forward Commitment Approval Act of 2005, effective October 18, 2005 (D.C. Law 16-28; D.C. Official Code § 47-340.01, note) ("Act"), the Council approves:

(1) The issuance of bonds in one or more series in an aggregate principal amount not to exceed \$3.2 million for the purpose of assisting in the financing, refinancing, and reimbursing of the costs of the following eligible projects within the meaning of the Act:

(A) Francis L. Cardozo Senior High School Project, 1300 Clifton Street, N.W., Washington, D.C. 20009;

(B) Hyde Leadership Public Charter School Project, 101 T Street, N.E., Washington, D.C. 20002;

(C) Latin American Montessori Bilingual Public Charter School Project, 1375 Missouri Avenue, N.W., Washington, D.C. 20011;

(D) Thurgood Marshall Academy Public Charter High School Project, 421 Alabama Avenue, S.E., Washington, D.C. 20032; and

(E) Tree of Life Community Public Charter School Project, 2315 18th Place, N.E., Washington, D.C. 20018; and

(2) The allocation of \$3.2 million of the Available Real Property Tax Revenues for the repayment of the bonds, which allocation shall terminate the earlier of:

(A) The final maturity date of the bonds; or

(B) The date on which all of the bonds are paid or payment with respect to the bonds has been provided for and the bonds are no longer outstanding.

ENROLLED ORIGINAL

Sec. 3. Expiration.

If any bonds are not issued, sold, and delivered to the original purchaser within 3 years of the effective date of this resolution, the approval for the issuance, sale, and delivery of the bonds shall expire.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Transmittal.

The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 6. Effective date.

This resolution shall take effect immediately.

A RESOLUTION

16-367

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. CFOPD-05-C-913 for a new game prompt development to add new daily numbers games and systems maintenance to the D.C. Lottery's lot-line system on an as-needed basis.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-913 Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the multiyear Contract No. CFOPD-05-C-913 for new game prompt development to add new daily numbers games and systems maintenance to the D.C. Lottery's lot-line system on an as-needed basis.

(b) On October 30, 2005, the current contract for lot-line maintenance will expire. MS Technologies Corporation has proprietary rights to the software used in the development of the lot-line system used by the D.C. Lottery.

(c) The proposed five 5-year contract in the amount of \$319,135 will allow for the continuation of the needed services.

(d) Approval is necessary to allow the D.C. Lottery to continue to receive the benefit of the required services from MS Technologies Corporation.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-05-C-913 Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-368

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve, on an emergency basis, Contract No. CFOPD-05-C-913 for the provision of new game prompt development and lot-line systems maintenance for the D.C. Lottery.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-913 Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), Contract No. CFOPD-05-C-913 with MS Technologies, Inc., in the amount of \$319,135, for new game prompt development and lot-line systems maintenance for the D.C. Lottery, is approved.

Sec. 3. The Council of the District of Columbia adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Chief Financial Officer and the Mayor.

Sec. 5. This resolution shall take effect immediately.

A RESOLUTION

16-369

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. CFOPD-05-C-904 for a fully integrated, end-to-end solution for the creation, production, distribution, and marketing support for instant ticket products for the District of Columbia Lottery and Charitable Games Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-904 Approval Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve the multiyear Contract No. CFOPD-05-C-904 for a fully integrated, end-to-end solution for the creation, production, distribution, and marketing support for instant ticket products for the District of Columbia Lottery and Charitable Games Control Board.

(b) The proposed contract was forwarded to Council for approval on July 15, 2005 as a 5-year multiyear contract with 2 one-year option periods.

(c) The Office of the Chief Financial Officer ("OCFO") was told that multiyear contracts had to receive active approval and therefore would not be approved until Council reconvened in September. The OCFO was informed that a \$1 million contract, with a one-year base period and options, could receive passive approval. The contract was resubmitted and deemed approved by Council on July 25, 2005.

(d) The contract contained services that were being performed under other contracts that would expire at the end of August 2005. In order to ensure the continuity of services, the new contract with Scientific Games International, Inc. ("SGI") had to be approved by Council and executed prior to the end of August when the other contracts expired.

(e) Through negotiations with SGI, they agreed to a base year with 4-year option periods, based on the OCFO's promise to have the contract modified to a multiyear contract within 90 days of contract award. If that did not occur, SGI indicated that it would have to raise its price based on the contract performance period of one year with 4 option periods.

(f) The current contract and the subsequent multiyear contract is priced at 4.675% of sales. However, if the contract does not become a multiyear contract by November 30, 2005, SGI indicates that the contract price would escalate to 5.75% of sales effective on the initial date of the contract award. This equates to a difference of approximately \$537,000.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. CFOPD-05-C-904 Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec. 4. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-370

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve, on an emergency basis, Contract No. CFOPD-05-C-904 for the provision of instant tickets products and services for the District of Columbia Lottery and Charitable Games Control Board.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. CFOPD-05-C-904 Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), Contract No. CFOPD-05-C-904, a multiyear contract with Scientific Games International, Inc., for instant tickets products and services for the D.C. Lottery, at the rate of 4.675% of revenue, expected to be \$50 million, is hereby approved.

Sec. 3. The Council of the District of Columbia adopts the fiscal impact statement provided by the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24 1973 (87 Stat.813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. The Secretary to the Council shall transmit a copy of this resolution, upon its adoption, to the Office of the Chief Financial Officer and the Mayor.

Sec. 5. This resolution shall take effect immediately.

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

A RESOLUTION

16-371

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to approve Contract No. POTO-2005-C-0016, which is a multiyear contract with Document Systems, Incorporated to develop a document management system for the Government of the District of Columbia, Department of Consumer and Regulatory Affairs, Office of the Surveyor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POTO-2005-C-0016 Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an immediate need to approve Contract No. POTO-2005-C-0016 with Document Systems, Incorporated ("DSI") to develop a document management system for the Government of the District of Columbia, Department of Consumer and Regulatory Affairs, Office of the Surveyor.

(b) The District has proposed a competitive contract with DSI, the highest score and the lowest bidder, based on a competitive selection from Local, Small and Disadvantaged Business Enterprises contractors. The contract will provide for an 18-month period of performance in the amount of \$1,667,485.59. The critical requirements for the Office of the Surveyor can only be met through an award of the multiyear contract to DSI.

Sec. 3. The Council determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Contract No. POTO-2005-C-0016 Emergency Approval Resolution of 2005 be adopted on an emergency basis.

Sec 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-372

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To approve multiyear Contract No. POTO-2005-C-0016 with Document Systems, Incorporated to develop a document management system for the Government of the District of Columbia, Department of Consumer and Regulatory Affairs, Office of the Surveyor.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Contract No. POTO-2005-C-0016 Emergency Approval Resolution of 2005".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council of the District of Columbia approves Contract No. POTO-2005-C-0016, a multiyear agreement with Document Systems, Inc., to develop a document management system for the Government of the District of Columbia, Department of Consumer and Regulatory Affairs, Office of the Surveyor that will provide for an 18-month period of performance in the amount of \$1,667,485.59.

Sec. 3. The Council of the District of Columbia shall transmit a copy of this resolution, upon its adoption, to the Mayor.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

16-373

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

November 1, 2005

To declare the existence of an emergency with respect to the need to amend the Highway Trust Fund Establishment Act of 1996 to direct revenue into the Local Roads Construction and Maintenance Fund that was inadvertently directed to the District Department of Transportation Operating Fund, and to provide that up to 100% of specified revenue collected for the rental of public space may be used for debt serving; to repeal section 604a of the Fiscal Year 1997 Budget Support Act of 1996 to repeal an obsolete provision to prevent a double counting of the same revenue; and to amend the Department of Transportation Establishment Act of 2002 to provide that revenue from public space rental from sources not deposited into the Local Roads Construction and Maintenance Fund be deposited into the District Department of Transportation Operating Fund, and to provide that 100% of the sales and use taxes for parking and storing vehicles be directed for local roads construction and maintenance but providing that 50% may be used for debt servicing to ensure that the Great Streets and the East Washington Traffic Relief programs have ready access to their fiscal year 2006 funding and are implemented without delay.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Highway Trust Fund and District Department of Transportation Emergency Declaration Resolution of 2005".

Sec. 2. (a) There exists an urgent need to redirect where revenues are authorized to be deposited to ensure that the Great Streets program and the East Washington Traffic Relief program, which are strongly supported by the Mayor and Council, have assured and timely access to their fiscal year 2006 funding.

(b) Dedicated sources of revenue, 100% of bus shelter advertising revenue for the Great Streets Program and 50% of off-street parking taxes for the East Washington Traffic Relief Program, that should have been authorized for deposit into the Local Roads Construction and Maintenance Fund, established by section 102a of the Highway Trust Fund Establishment Act of 1996, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 9-111.01a), were authorized to be deposited into the District Department of Transportation's operating fund,

DISTRICT OF COLUMBIA REGISTER

ENROLLED ORIGINAL

established by section 11a of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; to be codified at D. C. Official Code § 50-921.10) ("DDOT Operating Fund Act"), but without capital expenditure spending authority.

(c) These programs are capital programs and their expenditures must be made from a capital account, not an operating fund.

(d) Additionally, it was intended that these dedicated sources of revenue were to be securitized to fund the associated capital expenditures related to these programs. But the DDOT Operating Fund Act requires that 80% of its fund balance revert to the general fund at the end of the fiscal year.

(e) As a result the funds being authorized for deposit into DDOT's operating fund rather than the Local Roads Construction and Maintenance Fund and the fund balance reversion requirement of DDOT's operating fund, the Great Streets and the East Washington Traffic Relief programs are in jeopardy of not having access to its funding sources or of losing their fiscal year 2006 funding, which could mean that their implementation will be delayed and millions of dollars dedicated to them unavailable.

(f) Redirecting the revenue to the Local Roads Construction and Maintenance Fund would solve this technical matter, while in no way changing legislative intent or causing an imbalance to the financial plan, for the redirection would merely change the account to which the revenues are directed so that their legislated purpose can be effected in the current fiscal year.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Highway Trust Fund and District Department of Transportation Emergency Amendment Act of 2005 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.